

An
Bord
Pleanála

Board Order ABP-309812-21

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

APPLICATION by Dublin City Council for approval under section 226 of the Planning and Development Act, 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report, lodged with An Bord Pleanála on the 25th day of March, 2021.

PROPOSED DEVELOPMENT

To increase the capacity of the Dublin Waste to Energy Facility ("the Facility" approved by An Bord Pleanála under reference number PL29S.EF2022) from 600,000 tonnes per annum to 690,000 tonnes per annum. The Facility is located at a site on Poolbeg Peninsula, Dublin, and is bounded to the north by Pigeon House Road, to the west by Shellybanks Road, and to the east by Ringsend Wastewater Treatment Plant.

DECISION

APPROVE the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had particular regard to the policies and objectives of the following:

- (a) the EU Waste Directive (2018/851/EC),
- (b) the National Planning Framework Plan 2018-2040,
- (c) the National Development Plan 2021-2030,
- (d) the Climate Action Plan, 2021,
- (e) the Waste Action Plan for a Circular Economy - National Waste Policy, 2020-2025,
- (f) the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,
- (g) the Eastern – Midlands Region Waste Management Plan 2015 – 2021, and
- (h) the policies of the planning authority as set out in the Dublin City Development Plan, 2016-2022.

The Board also had regard to the following:

- (a) the distance to dwellings or other sensitive receptors,
- (b) the submissions made in connection with the application,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the

proposed development and the likely significant effects of the proposed development on European Sites,

- (d) the Appropriate Assessment Screening Report of the Inspector, and
- (e) the report and recommendation of the Inspector.

Screening for Appropriate Assessment

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European Sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's appropriate assessment screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such Sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development which would comprise an increase in the capacity of an existing operational facility to accept an additional 90,000 tonnes of waste per annum,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- The increase in Waste Delivery Vehicle movements into and from the site and the resulting traffic during the continued operational phase would be mitigated by the implementation of the terms and conditions of the approval by An Bord Pleanála for the Waste to Energy Facility under reference number PL29S.EF2022.
- The increase in airborne emissions from the chimney stacks and Waste Delivery Vehicles and resulting air quality impacts during the operational phase would be mitigated by adherence to the emission limit levels set by the Environmental Protection Agency Industrial Emission Licence, and by the continued implementation of the terms and conditions of the approval by An Bord Pleanála for the Waste to Energy Facility under reference number PL29S.EF2022.
- The minor localised impacts on residential amenity during operational phase would be mitigated by the continued implementation of measures to manage traffic movements under the terms and conditions of the approval by An Bord Pleanála for the Waste to Energy Facility under reference number PL29S.EF2022 and adherence to the emission limit levels set by the Environmental Protection Agency Industrial Emissions Licence related to the protection of air quality.

- Positive environmental impacts would result during the operational phase by the diversion of non-hazardous municipal waste away from other less environmentally sustainable waste management processes with an associated reduction in carbon emissions, the continued diversion of traffic away from built-up and densely populated areas, and the contribution of electricity to the grid.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and, subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning, transportation, waste and related policy, it would not have an unacceptable impact on the landscape or ecology, it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The mitigation measures identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the planning application, shall be implemented in full by the local authority, except as may otherwise be required in order to comply with the conditions of this approval.

Reason: In the interests of clarity and protection of the environment during the operational phase of the proposed development.

3. Other than the additional waste tonnage granted under this approval, the continued operation of the Waste to Energy Facility shall be in accordance with the terms and conditions of the approval for the facility that was granted by An Bord Pleanála under reference number PL29S.EF2022.

Reason: In the interest of clarity.

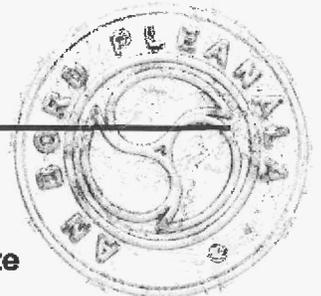
4. For the avoidance of doubt, the waste thermally treated at the facility shall be in the form of municipal non-hazardous residual waste generated primarily in the Dublin Waste Management Region, as proposed in the application and permitted under the parent permission for the facility that was granted approval by An Bord Pleanála under reference number PL29S.EF2022.

Reason: In the interest of clarity.



Dave Walsh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 17th day of December 2021